

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. 03-CV-12497

PREMIER CAPITAL, LLC)
 Plaintiff,)
)
 v.)
)
BEVERLY JOHNSON PENZELL,)
d/b/a Law Office of Kris E. Penzell)
and BEVERLY JOHNSON)
PENZELL, as Personal)
Representative of the Estate of)
Kris E. Penzell)
 Defendants.)

MOTION OF PLAINTIFFS TO EXCEED PAGE LIMIT

Pursuant to Rule 7(b) of the Federal Rules of Civil Procedure and Local Rule 7.1(B) of the United States District Court for the District of Massachusetts, Defendant Beverly Penzell (“Ms. Penzell”) moves for leave to file a memorandum of law in excess of 20 pages in support of Defendant’s Motion for Summary Judgment. In support of this Motion, Ms. Penzell states as follows:

1. This lawsuit was brought by Premier Capital, LLC (“Premier”) alleging that Ms. Penzell converted property belonging to Premier (Count I) and in so doing engaged in unfair and deceptive conduct in violation of Chapter 93A (Count II).

2. In order to properly brief her motion for summary judgment, Ms. Penzell must refer to a factual record that includes her own affidavit and deposition, the depositions of two inventory attorneys appointed to oversee the winding down of Kris Penzell’s legal practice and the depositions of the parties’ respective experts. In addition, the background of this case stems

as far back as the 1980s with respect to judgments obtained by Kris Penzell on behalf of his clients Barnett Bank and NationsBank. Ms. Penzell submits that the additional 5-6 pages she seeks will assist the Court in reaching a clearer understanding of Ms. Penzell's arguments demonstrating that summary judgment appropriate in this case.

3. Plaintiff was contacted to obtain its assent to this motion, but undersigned counsel was unable to reach Premier's counsel or leave a message regarding this request.

Respectfully submitted,

BEVERLY JOHNSON PENZELL,
By her attorneys,

/s/ Joseph W. Corrigan
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Dated: October 30, 2007